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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09-919,919	08-02-2001	Jim Smit	P66237US0	3988

136 7590 07/22/2003

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EXAMINER

DEL SOLE, JOSEPH S

ART UNIT	PAPER NUMBER
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1722

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DATE MAILED: 07/22/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/919,919

Applicant(s)

SMIT ET AL.

Examiner

Joseph S. Del Sole

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 June 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-12 is/are allowed.
- 6) ☒ Claim(s) 13 and 16 is/are rejected.
- 7) ☒ Claim(s) 14, 15 and 17-20 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Request for Filing Receipt

1. The Examiner acknowledges the Applicant's request on February 4, 2003 for a copy of the Filing Receipt. The Examiner has had the Filing Receipt mailed in a separate communication to the Applicant. Should the Applicant not have received the Filing Receipt by the time this Office action is mailed, or shortly thereafter, the Applicant is invited to contact the Examiner.

Information Disclosure Statement

2. The Examiner has determined that the Applicant has sufficiently addressed the Examiner's questions regarding the Applicant's admission of testing in the Office action of 2/4/2003. The Examiner has concluded that public use or sale did not exist more than one year prior to the filing date of the U.S. application.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 13 and 16 are rejected under 35 U.S.C. 102(b) as being anticipated by Dudley (4,123,207).

Dudley teaches an underwater pelletizer (Fig 3) having an extrusion die (Fig 3, #400) in the form of a die plate having a die face (Fig 3) provided with a central circular recess (Fig 3, at #815A) and orifices around its periphery through which molten polymer

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is extruded from the die face, a cutter hub (Fig 3, #806) supporting a plurality of cutter knives (Fig 3, #812) which cooperate with the die face to cut polymer strands extruded through the orifices into pellets, and a water box (Fig 3) surrounding the cutter hub, cutter knives and die face to cool the extruded polymer and transport the polymer pellets away from the die face, and a rigid circular insulation plug (Fig 3, #813) inserted in the die face central recess in close fitting relationship thereto to reduce; the rigid circular insulation plug is a solid one piece construction made of a material having low heat conductivity (Fig 3, #813 and col 4, lines 20-27).

5. Claims 13 and 16 are rejected under 35 U.S.C. 102(b) as being anticipated by Harris et al (5,593,702).

Harris et al teach an underwater pelletizer (Fig 3) having an extrusion die (Fig 3, #37) in the form of a die plate having a die face (Fig 3, #45) provided with a central circular recess (Fig 3, #35) and orifices around its periphery through which molten polymer is extruded from the die face, a cutter hub (Fig 3, #55) supporting a plurality of cutter knives (Fig 3, #57) which cooperate with the die face to cut polymer strands extruded through the orifices into pellets, and a water box (Fig 3) surrounding the cutter hub, cutter knives and die face to cool the extruded polymer and transport the polymer pellets away from the die face, and a rigid circular insulation plug (Fig 3, #33 and the plate there attached by screws) inserted in the die face central recess in close fitting relationship thereto to reduce; the rigid circular insulation plug is a solid one piece construction made of a material having low heat conductivity (Fig 3).

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6. Claims 13 and 16 are rejected under 35 U.S.C. 102(b) as being anticipated by Applicant's admission at page 2, line 13 - page 3, line 4 and reference 'AS' of the IDS.

Applicant's admission teaches an underwater pelletizer having an extrusion die in the form of a die plate having a die face provided with a central circular recess and orifices around its periphery through which molten polymer is extruded from the die face, a cutter hub supporting a plurality of cutter knives which cooperate with the die face to cut polymer strands extruded through the orifices into pellets, and a water box surrounding the cutter hub, cutter knives and die face to cool the extruded polymer and transport the polymer pellets away from the die face, and a rigid circular insulation plug inserted in the die face central recess in close fitting relationship thereto to reduce; the rigid circular insulation plug is a solid one piece construction made of a material having low heat conductivity.

Response to Arguments

7. As discussed above, Applicant's response to the issue of public use/sale more than one year before filing have been considered.

8. Applicant's arguments filed 6/25/03 and regarding prior art rejections have been fully considered but they are not persuasive.

The Applicant argues that Dudley does not anticipate claims 13 and 16 because Dudley does not disclose a "rigid circular insulation plug", but rather Dudley teaches #813 to be disposed over a gasket #815A.

The Examiner disagrees. Whether or not #813 is working with #815A, #813 is a one piece construction and thus reads on a "rigid circular insulation plug". There is no

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argument that #813 is more than one piece. Further regarding "rigid", this term is a relative term and thus the scope of rigidity has not been limited.

The Applicant argues that, with regard to claim 16, Dudley does not teach a material having low heat conductivity.

The Examiner disagrees. Heat conductivity has not been defined to differentiate high from low heat conductivity, and therefore any heat conductivity reads on low conductivity.

The Applicant argues that #33 of Harris is a shroud made of any suitable material, is wearable and of a material compatible with the material for making the pellets and that there is no disclosure that the shroud is a rigid circular insulation plug nor of solid one piece construction.

The Examiner disagrees. A review of the specification at column 4 lines 65 shows that #33 is a one piece construction. Each structural limitation claimed is taught by Harris. Clearly the shroud will serve an insulation function, and the shroud has some rigidity (otherwise screws would not serve to hold it in place).

The Applicant argues that the Applicant's admission as demonstrated by reference "AS" does not teach the claimed invention because this prior art plate overlies insulation material and therefore combined with the overlain discs the structure is neither rigid or one disk.

The Examiner agrees. As with Harris, the outer disk serves an insulation function, has rigidity and is one piece, regardless of whether it is intended to serve another function in combination with other structural features.

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The Examiner suggests that in order to put claims 13 and 16 (and thus the entire set of claims) in condition for allowance, claim 13 be amended to better structurally define the insulation plug. The Examiner suggests adding the limitation --, said plate having at least one raised portion to form an air gap with said recess-- at line 13 of claim 13 after "in close fitting relationship thereto".

Conclusion

9. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Correspondence

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joseph S. Del Sole whose telephone number is (703) 308-6295. The examiner can normally be reached on Monday through Friday from 8:30 A.M. to 5:00 P.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ms. Wanda Walker, can be reached at (703) 308-0457. The official fax phone number for the organization where this application or proceeding is assigned is (703) 872-9310 for non-after finals and (703) 872-9311 for after finals.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0661.

Joseph S. Dell Sol

J.S.D.
July 21, 2003

Robert Davis

ROBERT DAVIS
PRIMARY EXAMINER
GROUP ~~1300~~ 1722

7/21/03